

STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT

State/Territory: New Hampshire

ELIGIBILITY CONDITIONS AND REQUIREMENTS

Enforcement of Compliance for Nursing Facilities

The State uses other factors described below to determine the seriousness of deficiencies in addition to those described at §488.404(b)(1):

Not applicable.

TN No. 95-15

Supersedes

TN No. 90-11

Approval Date: 12/15/91

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STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT

State/Territory: New Hampshire

CRITERIA FOR THE APPLICATION OF SPECIFIED REMEDIES FOR
SKILLED NURSING AND INTERMEDIATE CARE FACILITIES

(When and how each remedy is applied, the amounts of any fines,
and the severity of the remedies)

The following outlines the nursing facility remedy criteria:

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1. Denial of payment for all Medicaid admissions will occur when the nursing facility has not corrected deficiency(s) with respect to certification requirements within the timeframe specified by the Bureau of Health Facilities, Division of Public Health Services; the nursing facility has been notified in writing by the state that payment will be denied and the effective date; and the state has notified the public through notice in a statewide newspaper.
2. Civil monetary penalties will be implemented when deficiency(s) is not corrected within three months from the original date of notification. The monetary penalties will be applied beginning the first day after the end of the three month period and will be \$5.00 per licensed bed per day; and interest at the rate of 5% per month commencing on the 1st day of the month following the month in which the penalty is first imposed.

The monetary penalties will be enforced only if the deficiencies do not affect the health and safety of the Medicaid recipients. Otherwise, the procedure for removing and relocating Medicaid recipients from the nursing home facility will be implemented.
3. The appointment of temporary management will occur when ordered by a court of a competent jurisdiction.
4. Medicaid recipients will be moved from one nursing facility to another in an emergency.
5. The remedy or remedies so applied will remain in effect until the requirement(s) which is failed to be met is subsequently met, provided that such remedy or remedies, except for 3 and 4 above will not be imposed during the pendency of an administrative appeal requested by the affected nursing facility.

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